

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

LOWE'S HOME CENTERS, LLC

and

Case 15-CA-137033

WAYNE WILSON

ORDER¹

The Employer's petition to revoke Subpoena B-1-K1E03X is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Employer has failed to establish any other legal basis for revoking the subpoena.³ See generally *NLRB v. North Bay*

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.

In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statement that it is willing to clarify the scope of subpoena par. 7, to exclude certain categories of documents, i.e. employee medical records, wage garnishments, W-2s, and job applications, from its request for employees' personnel files, and its further statement that, with respect to subpoena par. 2, it is seeking only handbooks, rules, policies, and procedures that govern employee conduct.

The Employer's argument that the subpoena's initial return date of December 3, 2014, which was extended by the Region to December 10, was prohibitively insufficient under the circumstances is made moot by the subsequent passage of time following the filing of the Petition to Revoke

³ Member Johnson would find in accordance with his stated views in other subpoena cases that, to the extent that a state law privacy interest is implicated by a petitioner's privacy claim, such privacy interest would be generally cognizable in the context of objections to Board subpoenas. See *Taylor Farms Pacific, Inc./Slingshot Connections, LLC/Abel Mendoza, Inc.*, 32-CA-116854 (05/23/2014) and *McDonald's Restaurants of Tennessee, Inc.*, 10-CA-131969, et al. (02/09/2015). He does not reach the issue here, where the Employer argued a generalized privacy objection but made no showing that the disclosure of subpoenaed employee personnel information would be protected under state law.

Plumbing, Inc., 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., March 16, 2015.

KENT Y. HIROZAWA,	MEMBER
HARRY I. JOHNSON, III,	MEMBER
LAUREN MCFERRAN,	MEMBER